

## **REMARKS**

**[0003]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-3, 5-13, 15-37, and 39-57 are presently pending. Claims amended herein are 1-3, 5, 11-13, 15, 20, 24-25, 34, 37, 39, and 41. Claims withdrawn or cancelled herein are 4, 14, and 38. New claims added herein are none.

### **Statement of Substance of Interview**

**[0004]** The Examiner graciously talked with me—the undersigned representative for the Applicant—on May 29, 2007. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

**[0005]** During the interview, I discussed how the claims differed from the cited art, namely Menard. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

**[0006]** Whereas the Examiner was receptive to discussing the proposals, I understood the Examiner to indicate that the proposed clarifying claim amendments did not appear to distinguish over the cited art of record. The Examiner did propose further amendments that could clarify the elements. Specifically, The Examiner recommended clarifying the priorities element to distinguish over the cited art. However, the Examiner indicated that he would need

to review the cited art more carefully and/or do another search, and requested that the proposed amendments be presented in writing.

**[0007]** Applicant herein amends the claims in a manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

### **Formal Request for an Interview**

**[0008]** If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

**[0009]** Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

### **Claim Amendments and Additions**

**[0010]** Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1-3, 5, 11-13, 15, 20, 24-25, 34, 37, 39, and 41 herein.

## **Substantive Matters**

### **Claim Rejections under § 112**

[0011] Claim 24 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner has rejected claim 24 as being indefinite for using the claim element “a notification” twice. Per the Examiner’s suggestion, claim 24 has been amended to have a “first notification” and a “second notification”. As such, claim 24 is would be in proper form to overcome the § 112, second paragraph, rejection.

### **Claim Rejections under §§ 102 and/or 103**

[0012] Claims 1-3, 5-7, 9-13, 15-17, 19-27, 29-37, 39-46 and 50-54 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,810,526 by Menard et al. Claims 8, 18, 28, 47-49, and 55-57 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Menard in view of U.S. Patent No. 6,177,931 by Alexander et al. In light of the amendments presented herein and the discussion during the above-identified Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0013] **Claim 1** recites a viewing management method for managing viewing of multiple live electronic presentations, comprising [added language appears in the bold italics]:

simultaneously monitoring two or more electronic presentations that are concurrently broadcast, wherein said monitoring comprises monitoring data that does not comprise content that can be presented to a viewer; and

automatically switching back and forth between displays of the two or more electronic presentations based upon viewer-defined preferences, wherein the viewer-defined preferences are defined in terms of events that can occur within *specified* electronic presentations, wherein at least some of said events describe some activity or action that can take place within *the specified* electronic presentation itself.

**[0014]** Claim 1 now requires that the viewer-defined preferences are defined within terms of events that occur within specified electronic presentations. As described on page 18 of the specification, lines 5-15, "by entering specific information in the event field, a viewer will be notified when the specified events occur within the specified electronic presentation."

**[0015]** Menard does not disclose the subject matter of claim 1. Instead, Menard discloses establishing a search profile that searches for keywords of a closed caption stream to locate specific terms. The terms are then used to locate a broadcast with audio features addressing Bill Clinton talking about the Middle East. Menard only teaches of searching all available channels for a particular sequence of

keywords or narrowing the search to a limited number of channels. (See Column 3, lines 15-32). Menard does not disclose searching for events that occur within a specified electronic presentation.

[0016] Hence, for at least this reason, claim 1 is not anticipated by Menard. Accordingly, for at least this reason, claim 1 is allowable.

[0017] **Claims 2-3, and 5-10** depend from claim 1 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither disclosed nor suggested in the references cited and applied by the Office.

[0018] Claim 11 recites a viewing management method for managing viewing of multiple live electronic presentations, comprising:

simultaneously monitoring two or more electronic presentations that are concurrently broadcast, wherein said monitoring comprises monitoring data that does not comprise content that can be presented to a viewer; and

automatically notifying a viewer when one or more of the electronic presentations satisfies a viewer-defined preference, wherein viewer-defined preferences can be defined in terms of events that can occur within *specified* electronic presentations, wherein at least

some of said events describe some activity or action that can take place within the ***specified*** electronic presentation itself and wherein an activity or action can pertain to a character or person in at least one of said two or more electronic presentations.

**[0019] Claim 11** has been amended to include subject matter similar to that of amended claim 1. Claim 11 language has been amended to clarify that the viewer defined preference is defined in terms of events that occur within a viewer specified electronic presentation. For the reasons set forth above with relationship to claim 1, claim 11 is allowable.

**[0020] Claims 12-13 and 15-19** depend from claim 11 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 11, are neither disclosed nor suggested in the references cited and applied by the Office.

**[0021] Claim 20** recites one or more programmable computers having instructions which, when executed by the one or more computers implement a viewing management method for managing viewing of multiple live electronic presentations comprising:

sending at least one viewer request to an encoder, the viewer request containing one or more viewer-defined preferences that relate to one or more events that can occur in one or more specified

electronic presentations, wherein at least some of said events describe some activity or action that can take place within the specified electronic presentation itself and wherein an activity or action can pertain to a character or person in at least one of said one or more electronic presentations;

evaluating, with the encoder, one or more electronic presentations that are being broadcast to determine whether any of the viewer-defined preferences are satisfied, wherein said evaluating comprises at least monitoring data that does not comprise content that can be presented to a viewer; and

if a viewer-defined preference is satisfied by one or more of the electronic presentations, notifying a viewer that is associated with the viewer-defined preference that was satisfied.

**[0022] Claim 20** has been amended to include subject matter similar to that of amended claim 1. Claim 20 language has been amended to clarify that the viewer defined preference is defined in terms of events that occur within a viewer specified electronic presentation. For the reasons set forth above with relationship to claim 1, claim 20 is allowable.

[0023] **Claims 21-24** depend from claim 20 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 20, are neither disclosed nor suggested in the references cited and applied by the Office.

[0024] **Claim 25** recites A viewing management method for managing viewing of multiple live electronic presentations, comprising:

receiving one or more viewer requests from one or more viewers, the viewer requests containing viewer-defined preferences that are to be used to evaluate a plurality of different live electronic presentations;

evaluating a plurality of live electronic presentations using the viewer-defined preferences, wherein the viewer-defined preferences are defined in terms of events that can occur within *specified* electronic presentations, wherein at least some of said events describe some activity or action that can take place within the *specified* electronic presentation itself and wherein said evaluating comprises at least monitoring data that does not comprise content that can be presented to a viewer, and wherein an activity or action can pertain to a character or person in at least one of said electronic presentations; and



in the event that one or more of the viewer-defined preferences is satisfied, notifying at least one viewer that is associated with the viewer-defined preference that is satisfied.

**[0025] Claim 25** has been amended to include subject matter similar to that of amended claim 1. Claim 25 language has been amended to clarify that the viewer defined preference is defined in terms of events that occur within a viewer specified electronic presentation. For the reasons set forth above with relationship to claim 1, claim 25 is allowable.

**[0026] Claims 26-33** depend from claim 25 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 25, are neither disclosed nor suggested in the references cited and applied by the Office.

**[0027] Claim 34** recites viewing management method for managing viewing of multiple live electronic presentations, comprising:

creating a viewer request that contains one or more viewer-defined preferences for use in evaluating one or more live electronic presentations;

sending the viewer request to one or more computing devices; and

evaluating one or more electronic presentations with the one or more computing devices in light of the

one or more viewer-defined preferences, wherein the viewer-defined preferences can be defined in terms of events that can occur in **specified** electronic presentations, wherein at least some of said events describe some activity or action that can take place within the **specified** electronic presentation itself and wherein said evaluating comprises at least monitoring data that does not comprise content that can be presented to a viewer and wherein an activity or action can pertain to a character or person in at least one of said electronic presentations.

**[0028] Claim 34** has been amended to include subject matter similar to that of amended claim 1. Claim 34 language has been amended to clarify that the viewer defined preference is defined in terms of events that occur within a viewer specified electronic presentation. For the reasons set forth above with relationship to claim 1, claim 34 is allowable.

**[0029] Claims 35-37 and 39-40** depend from claim 34 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 34, are neither disclosed nor suggested in the references cited and applied by the Office.

**[0030] Claim 41** recites an interactive network comprising:  
one or more client viewing devices; and

one or more computing devices communicatively linked with the one or more client viewing devices, the computing devices being programmed to:

simultaneously monitor one or more electronic presentations that are concurrently broadcast by at least monitoring data that does not comprise content that can be presented to a viewer; and

automatically send a notification to one or more of the client viewing devices when one or more of the electronic presentations satisfies one or more viewer-defined preference that is defined by a viewer of the one or more client viewing devices, wherein the viewer-defined preferences are defined in terms of events that can occur in **specified** electronic presentations, wherein at least some of said events describe some activity or action that can take place within the **specified** electronic presentation itself and wherein an activity or action can pertain to a character or person in at least one of said electronic presentations.

**[0031] Claim 41** has been amended to include subject matter similar to that of amended claim 1. Claim 41 language has been amended to clarify that the viewer defined preference is defined in terms of events that occur within a

viewer specified electronic presentation. For the reasons set forth above with relationship to claim 1, claim 41 is allowable.

**[0032] Claims 42 and 43** depend from claim 41 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 41, are neither disclosed nor suggested in the references cited and applied by the Office.

**[0033] Claim 44** recites A viewing management method for managing viewing of multiple live electronic presentations, comprising:

monitoring viewing habits of one or more viewers of live electronic presentations to determine particular events within the electronic presentations that the viewers are likely to want to view, wherein at least some of said events pertain to some activity or action that can take place within the electronic presentation itself and wherein an activity or action can pertain to a character or person in at least one of said electronic presentations;

ascertaining from data that does not comprise content that can be presented to a viewer, whether said one or more viewers would likely want to view a particular event; and

notifying one or more viewers when it appears that an event is occurring within [an] electronic presentation that the viewer is not viewing but would likely want to view.

**[0034] Claim 44** recites the element that the method monitors the viewing habits of one or more of the viewers. The in the last Office Action relied upon Menard to disclose the elements of claim 44. Specifically, the cited portion of Menard (Column 4, Lines 21-26) states:

In operation, any user PC7 knowing the IP address of the search server 4 can send a request over the Internet 6 to set up a particular search profile, which is stored in user profile memory 20. Such a request only requires a small amount of bandwidth since it consists merely of an instruction to the search server 4.

**[0035]** The cited portion of Menard does not describe monitoring viewing habits of one ore more viewers of live electronic presentations to determine particular events within the electronic presentations to determine particular events within the electronic presentations that the viewers are likely to want to view. The only method of establishing a search profile disclosed by Menard is the manual input of a particular search profile. (See Solumn 3, lines 18-20). The user generated search profile is then transmitted via the internet to a search server 4. Menard does not teach, nor suggest, a method of monitoring a user's viewing habits to establish viewing preferences.

**[0036] Claims 45-51** depend from claim 44 and are allowable as depending from an allowable base claim. These claims are allowable for their own recited features which, in combination with those recited in claim 44, are neither disclosed nor suggested in the references cited and applied by the Office.

**[0037] Claim 52** recites an interactive network comprising:

one or more client viewing devices; and

one or more computing devices communicatively linked with the one or more client viewing devices, the computing devices being programmed to:

monitor viewing habits of one or more viewers of live electronic presentations to determine particular events within the electronic presentations that the viewers are likely to want to view, wherein at least some of said events pertain to some activity or action that can take place within the electronic presentation itself and wherein an activity or action can pertain to a character or person in at least one of said electronic presentations;

ascertain from data that does not comprise content that can be presented to a viewer, whether said one or more viewers would likely want to view a particular event; and

notify one or more viewers when it appears that an event is occurring within an electronic presentation

that the viewer is not viewing but would likely want to view

**[0038] Claim 52** includes subject matter similar to that of claim 44. Claim 52 language defines monitoring viewing habits of one or more viewers of live electronic presentations to determine particular events within the electronic presentation that the viewer is likely to want to view. For the reasons set forth above with relationship to claim 44, claim 52 is allowable.

**[0039] Claims 53 and 54** depend from claim 52 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 52, are neither disclosed nor suggested in the references cited and applied by the Office.

**[0040] Claim 55** recites a user interface for use in an interactive entertainment system comprising:

a processor;

an application executing on the processor and configured to present plurality of fields, one of which displaying a number of titles of programs that can be selected by a viewer, another of which displaying indicia that can be selected to define viewer preferences for simultaneously monitoring two or more of the programs that are selected by the viewer, wherein said monitoring comprises monitoring at least data that does not

comprise content that can be presented to the viewer and which comprises events that can occur within said two or more programs, wherein at least some of said events describe some activity or action that can take place within the electronic presentation itself and wherein an activity or action can pertain to a character or person in at least one of said electronic presentations; and

an input device operable to enable a user to select a particular electronic presentation for continuous play viewing.

**[0041] Claim 55** includes subject matter similar to that of claim 44. Claim 55 claim language defines monitoring viewing habits of one or more viewers of live electronic presentations to determine particular events within the electronic presentation that the viewer is likely to want to view. For the reasons set forth above with relationship to claim 44, claim 55 is allowable.

**[0042] Claims 56 and 57** depend from claim 55 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 55, are neither disclosed nor suggested in the references cited and applied by the Office



## Conclusion

[0043] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Dated: 2007.06.27

By: \_\_\_\_\_

  
Jason F. Lindh  
Reg. No. 59090  
(509) 324-9256 x215  
jason@leehayes.com  
[www.leehayes.com](http://www.leehayes.com)

My Assistant: Carly Bokarica  
(509) 324-9256 x264  
[carly@leehayes.com](mailto:carly@leehayes.com)